

Appln. No. 10/632,116
Amdt. dated April 19, 2006
Reply to Office Action of January 19, 2006

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1-4, replaces the original sheet including Figs. 1-4. In Fig. 1, previously omitted element 1 has been added.

Attachment: Replacement Drawing Sheet
 Annotated Drawing Sheet Showing Changes

REMARKS

The Official Action of January 19, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 15-16, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-12 and 14 have been withdrawn from consideration as being directed to non-elected inventions. Claim 13 has been canceled in favor of new claims 15 and 16 directed to the invention Applicant has elected for further consideration.

In response to the Examiner's objection to the drawings, Applicant has amended Fig. 1 to include numeral "1" depicting the claimed mascara brush. Applicant respectfully submits that this rejection has now been overcome.

The Examiner has further rejected elected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Vasas '609 in view of Leone '361 and Meriod '956. Applicant respectfully traverses this rejection as applied to new elected claims 15 and 16.

Leone '361 is directed to a mascara applying device with a single stem 2 having distal ends which diverge into two tines 3 that are parallel to each other and permit the cones

of its brushes which are also parallel to be fixed with the two tines 3. Leone clearly does not teach ends of two straight cones being intertwined to form a handle as claimed by Applicant. Further, spacing between the two Leone cones is such that the brush resulting from the Examiner's prior art combination will not produce the overlapping of the claimed invention.

Merion is directed to a sheet metal bending tool which the Examiner notes is able to bend wires. Merion involves technology completely foreign to the manufacture of mascara brushes and one that the skilled artisan would not think to address in manufacturing a mascara brush. Even if applicable, Merion fails to provide any hint of bending intertwined wires which have bristles engaged therebetween as claimed by Applicant.

Clearly, there is no motive or incentive for combining the cited prior art as suggested by the Examiner. Even if such motive or incentive were present (not admitted), the prior art combination fails to teach the claimed invention for at least the reasons noted above.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

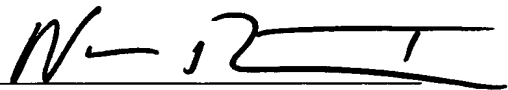
Appln. No. 10/632,116
Amdt. dated April 19, 2006
Reply to Office Action of January 19, 2006

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Norman J. Latker
Registration No. 19,963

NJL:ma
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\bn\r\rau\mal\pto\Amendment-A.doc

ANNOTATED DRAWING SHEET SHOWING CHANGES

1/2

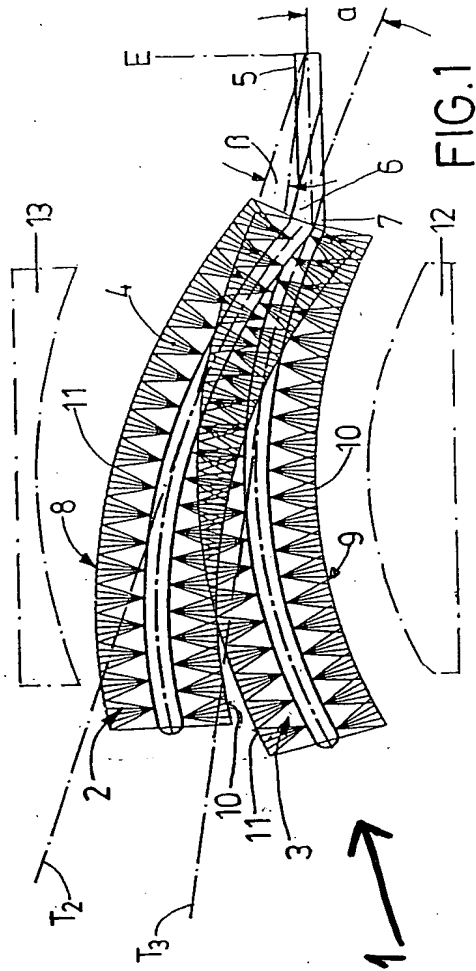


FIG. 1

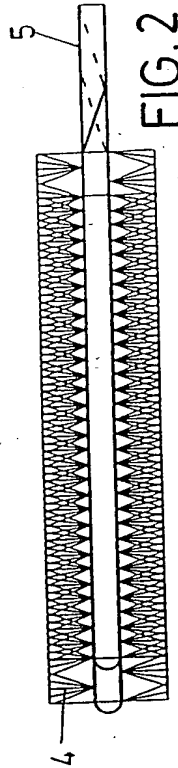


FIG. 2

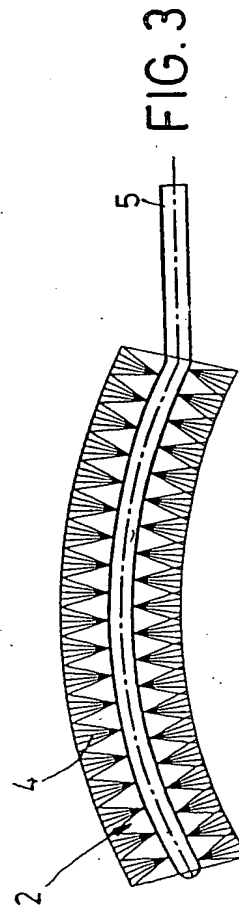


FIG. 3

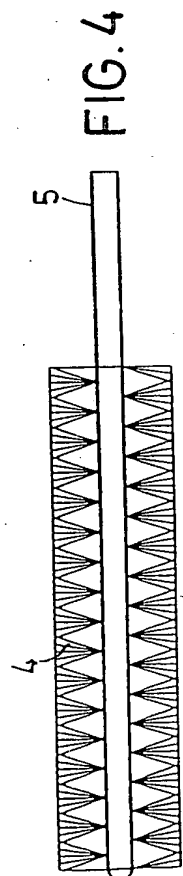


FIG. 4